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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,411	12/03/2001	Franklin Zhigang Zhang		3112
7590 Franklin ZhiGang Zhang 4717 Spencer Street Torrance, CA 90503				
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EXAMINER				
ABELSON, RONALD B				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/006,411

Applicant(s)

ZHANG, FRANKLIN ZHIGANG

Examiner

RONALD ABELSON

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-49 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 28-32 and 44-49 is/are rejected.
7) ☒ Claim(s) 33 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 3/3/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Claim Objections

1. Claim 28 is objected to because: on line 15 "server means" should be changed to APs. Appropriate correction is required.

Claim 30 is objected to because: on line 18 "TDMN operation function means" should be changed to APs. Appropriate correction is required.

Claim 36 objected to because: on line 21 "TDMN operation function means" should be changed to APs. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 36-43, and 48 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 36, the phrase "TDMU is a base communication message unit of a communication protocol means

constructed on top of TCP/IP protocol and Internet" is vague and ambiguous.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 31 and 44-48 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The method to implement the claims is not found in the specification. Regarding claims 31 and 44, the specification does not support the TDMN stores the undelivered message units when there is interruption of Internet connection of receiving PMAD.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 28 - 30, 32, 34, 35, and 49 rejected under 35 U.S.C. 103(a) as being unpatentable over Ogier (US 7,031,288) in view of Lo (US 6,031,818).

Regarding claims 28, 30, one server means running on Internet (fig. 1 box 40),

a plurality of wireless Access Points (APs) with Internet connection and providing wireless networking access (fig. 1 box 16, 16', col. 4 lines 50 - 59),

a plurality of Personal Mobile Access Device (PMAD) with wireless networking capability for getting wireless Internet access via said AP (fig. 1 box 18),

wherein the APs has dedicated port for Internet connection, whereby the APs communicating with the server means via Internet (fig. 1 box 16, see connection to Internet),

wherein said PMAD is personal mobile communication device with user and media interfaces, and wireless networking means to communicate with said APs (wireless telephones, PDA, col. 4 lines 7-12),

whereby the PMAD access Internet wirelessly through the AP and communicate with the server means via Internet (col. 4 lines 50 - 59),

wherein the AP means enables the PMADs to join communication over Internet connection with server means (fig. 1 box 16);

whereby the PMADs access Internet wirelessly through the APs and join the server means for communication among each other of the PMADs (wireless telephones, col. 4 lines 7-12),

whereby the PMADs communicating with each other via the server means and Internet (wireless telephones, col. 4 lines 7-12).

Ogier is silent on whereby the server means enables and controls the PMAD to PMAD communication over Internet,

wherein said IBWCS forming virtual communication paths among said PMADs and said server means over the Internet,

whereby messages are communicated among said PMADs and server means via said virtual communication paths,

whereby being a key element in said virtual communication paths said server means guarantees the PMAD to PMAD communication over Internet without message loss by storing and resending communication message to ensure message delivery.

Lo teaches the server means enables and controls communication whereby the server means guarantees communication without message loss by storing and resending communication message to ensure message delivery (server unit retransmits the lost data packet, abstract) and virtual communication paths (col. 1 lines 11-13).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Ogier by also transmitting data packets in the server and retransmitting lost data packets from the server in addition to forming virtual connections as shown by Lo. This modification can be performed according to the teachings Lo. This modification would benefit the system since retransmitting lost data packets in the server will reduce errors and making the communication links virtual will all the network to efficiently use system resources.

Regarding claim 49, Ogier teaches one wireless mobile access network (col. 4 lines 50 - 59) based on wireless LAN technology (LAN, col. 3 lines 66-67);

one message communication server means 'CS' (fig. 1 box 40);

a plurality personal mobile access device 'PMAD' (fig. 1 box 18);

wherein the wireless mobile access network is a plurality of wireless access points 'AP' (fig. 1 box 16, 16') connecting to Internet (fig. 1 box 30),

wherein the CS is a server operation means operating with Internet connections (fig. 1 box 40),

whereby AP (fig. 1 box 16) communication to said CS (fig. 1 box 40) via Internet (fig. 1 box 30),

whereby PMAD doing wireless mobile communication by wireless communication to AP (col. 4 lines 50 - 59),

whereby PMADs communicate among other via said AP and Internet (fig. 1),

whereby PMAD communicate with said CS via Internet (fig. 1),

whereby said message communication system encode and packet original multimedia and/or data message in to multiple message units for transmission and receiving over the Internet (wireless telephones, PDA, col. 4 lines 7-12),

whereby said message communication system send and receive said message units among said PMADs (wireless telephones, col. 4 lines 7-12) and said message communication server system (col. 3 lines 52-65),

Ogier is silent on wherein said message communication system forming virtual communication paths among said PMADs and said server means over the Internet,

whereby messages are communicating among said PMADs and server means via said virtual communication paths,

whereby being part of said virtual communication paths said CS guarantees the PMAD-to-PMAD communication over Internet without message loss by storing and resending communication messages to ensure message delivery, and

whereby the CS controls and guarantees the message communication among said-PMADs.

Lo teaches the server means enables and controls communication whereby the server means guarantees communication without message loss by storing and resending communication message to ensure message delivery (server unit retransmits the lost data packet, abstract) and virtual communication paths (col. 1 lines 11-13).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Ogier by also transmitting data packets in the server and retransmitting lost data packets from the server in addition to forming virtual connections as shown by Lo. This modification can be performed according to the teachings Lo. This modification would benefit the system since retransmitting lost data packets in the server will reduce errors and making the communication links virtual will all the network to efficiently use system resources.

Regarding claims 29 and 35, one of said PMAD can roam among the wireless access of said APs around Internet and communicate with said server means and other PMADs (nodes 18 leaving their home subnet, col. 4 lines 30-35).

Regarding claim 32, the TDMN / server manages communication of said PMADs with different quality of service level (Ogier: quality of service, col. 17 lines 44-49).

Regarding claim 34, a plurality of PMADs can perform group communication (wireless telephones, col. 4 lines 7-12).

Allowable Subject Matter

8. Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONALD ABELSON whose telephone number is (571)272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Abelson
Primary Examiner
Art Unit 2619

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